



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Awarding Contract for Maintenance of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, for Fiscal Year 2009/10 to Creative Outdoor Environment, Inc., of Lathrop (\$21,603)

**MEETING DATE:** April 15, 2009

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt a resolution awarding the contract for Maintenance of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 for Fiscal Year 2009/10, July 1, 2009 through June 30, 2010, to Creative Outdoor Environment, Inc., in the amount of \$21,602.88.

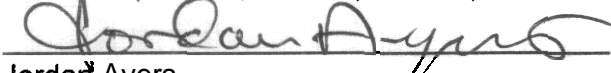
**BACKGROUND INFORMATION:** This project provides for the contract landscape maintenance of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1. This contract will cover Zones 1, 2, 5, 6, 8 and 11 at a cost of \$21,600.88 for 12 months, which is an annual decrease of approximately \$9,200 from the current contract. The low bid comes from a company that has the current contract for the other landscape maintenance areas with the City. The maintenance work covered under this contract is limited to the landscape and irrigation improvements along the reverse frontage areas and medians of the subdivisions in these zones. The assessments costs for the maintenance zones were based on weekly maintenance.

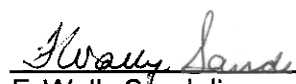
The specifications were approved on March 4, 2009 and are on file in the Public Works Department. The City distributed 12 bid packets and received the following four bids on March 19, 2009:

Bidder	Location	Bid
Creative Outdoor Environments, Inc.	Lathrop	\$ 21,602.88
ValleyCrest Landscape Maintenance	Stockton	\$ 26,446.16
Odyssey Landscape Company, Inc.	Lodi	\$ 31,200.00
Valley Landscaping & Maintenance, Inc.	Lodi	\$369,408.00

**FISCAL IMPACT:** The money for this maintenance contract is provided by the various assessment revenue accounts of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 and does not come out of the General Fund.

**FUNDING AVAILABLE:** Funding comes from various assessment revenue accounts of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1, FY 09/10 (502501.503501, 506501, and 507501)

  
Jordan Ayers  
Deputy City Manager/Internal Services Director

  
F. Wally Sandelin  
Public Works Director

Prepared by Curt Juran, Assistant Streets and Drainage Manager  
FWS/GMB/CJ/dsg  
cc: George M. Bradley, Streets and Drainage Manager

APPROVED:   
Blair King, City Manager

THIS CONTRACT, made by and between the CITY OF LODI, State of California, herein referred to as "**City**" and **CREATIVE OUTDOOR ENVIRONMENTS, INC.**, herein referred to as "**Contractor**".

WITNESSETH:

That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other, as follows:

The complete contract consists of the following documents which are incorporated herein by this reference, to-wit:

Notice Inviting Bids  
Information to Bidders  
Special Provisions  
Bid Proposal  
Contract

The July 1992 Edition Standard  
Specifications, State of California  
Business and Transportation Agency,  
Department of Transportation

Vicinity Maps  
Water Conservation Ordinance

All of the above documents, sometimes hereinafter referred to as the "Contract Documents," are intended to cooperate so that any work called for in one and not mentioned in the other is to be executed the same as if mentioned in all said documents.

ARTICLE I That for and in consideration of the payments and agreements hereinafter mentioned, the Contractor agrees with the City, at Contractor's cost and expense, to do all the work and furnish all the materials except such as are mentioned in the specifications to be furnished by the City, necessary to maintain in a good workmanlike and substantial manner to the satisfaction of the City the proposed maintenance of landscaped areas.

ARTICLE II The Contractor agrees to conform to the provisions of Chapter 1, Part 7, Division 2 of the Labor Code. The Contractor and any Subcontractor will pay the general prevailing wage rate and other employer payments for health and welfare, pension, vacation, travel time, and subsistence pay, apprenticeship or other training programs. The responsibility for compliance with these Labor Code requirements is on the prime contractor.

ARTICLE III And the Contractor agrees to receive and accept the following prices as full compensation for furnishing the work contemplated and embraced in this agreement; also for all loss or damage arising out of the nature of the work aforesaid or from the action of the elements, or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until its acceptance by the City, and for all risks of every description connected with the work; also for all expenses incurred by or in consequence of the suspension or discontinuance of work; and for well and faithfully completing the work, and the whole thereof, in the manner and according to the Contract Documents and the requirements of the Engineer under them, to-wit:

ARTICLE IV By my signature hereunder, as Contractor, I certify that I am aware of the provisions of Section 3700 of the Labor Code, which requires every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

	MAINTENANCE OF ASSESSMENT DISTRICT LANDSCAPE AREAS BASED ON WEEKLY SERVICE			BID PRICE - INDIVIDUAL ITEM FOR WEEK				
ITEM	SITE	DESCRIPTION & LOCATION	Square Feet	PRUNING AS NEEDED	WEED CONTROL	LITTER PICKUP	IRRIGATION MAINTENANCE	WEEKLY TOTAL PER SITE
1	R2020	N/W Stockton St and Almond Dr	16,470	\$6.44	\$12.87	\$12.87	\$6.44	\$ 38.62
2	R2022	N side of Almond Dr E/O Stockton St	4,950	\$1.93	\$3.87	\$3.87	\$1.93	\$ 11.60
3	R2014	Traffic Circle - Cherrywood	1,256	\$0.49	\$0.98	\$0.98	\$0.49	\$ 2.94
4	T1591	N side of Harney Ln - Poppy Dr to west end	14,850	\$5.80	\$11.61	\$11.61	\$5.80	\$ 34.82
5	T1594	N side of Harney Ln - Poppy Dr to east end	9,787	\$3.82	\$7.65	\$7.65	\$3.82	\$ 22.94
6	T1298	N side of Harney Ln - Legacy Wy to west end	12,825	\$5.01	\$10.02	\$10.02	\$5.01	\$ 30.06
7	T1349	West side of Mills Av – Harney Ln to Wyndam w v	7,965	\$3.11	\$6.22	\$6.22	\$3.11	\$ 18.66
8	T1399	Harney Ln – Mills Av to west end	7,087	\$2.77	\$5.54	\$5.54	\$2.77	\$ 16.62
9	T2182	Harney Ln – Panzani Wy to Porta Rosa Wy	1,020	\$0.40	\$0.80	\$0.80	\$0.40	\$ 2.40
10	T2194	Harney Ln – Panzani Wy to Cherokee Ln	14,981	\$5.85	\$11.71	\$11.71	\$5.85	\$ 35.12

	MAINTENANCE OF ASSESSMENT DISTRICT LANDSCAPE AREAS BASED ON WEEKLY SERVICE			BID PRICE - INDIVIDUAL ITEM PER WEEK				
ITEM	SITE	DESCRIPTION & LOCATION	Square Feet	PRUNING AS NEEDED	WEED CONTROL	LITTER PICKUP	IRRIGATION MAINTENANCE	WEEKLY TOTAL PER SITE
11	T2176	West side of Cherokee Ln – Harney Ln to north end	20,650	\$8.07	\$16.14	\$16.14	\$8.07	\$ 48.42
12	T2153	Villas common drives – Via Marco Ln	2,880	NA	\$3.38	\$3.38	NA	\$ 6.76
13	T2157	Villas common drives – Corfino Ln	2,880	NA	\$3.38	\$3.38	NA	\$ 6.76
14	T2164	Villas common drives – Massarosa Ln east	2,880	NA	\$3.38	\$3.38	NA	\$ 6.76
15	T2163	Villas common drives – Massarosa Ln west	2,880	NA	\$3.38	\$3.38	NA	\$ 6.76
16	T2173	Villas common drives – San Pietro Ln	2,880	NA	\$3.38	\$3.38	NA	\$ 6.76
17	T2175	Villas common drives – Felino Ln	2,880	NA	\$3.38	\$3.38	NA	\$ 6.76
18	T2166	Villas common drives – Palazzo Ln	2,880	NA	\$3.38	\$3.38	NA	\$ 6.76
19	T2183	Villas common drives – Vallini Ln	2,880	NA	\$3.38	\$3.38	NA	\$ 6.76
20	T2184	Villas common drives – Marano Ln	2,880	NA	\$3.38	\$3.38	NA	\$ 6.76
21	T2185	Villas common drives – Mercato Ln	2,880	NA	\$3.38	\$3.38	NA	\$ 6.76
22	T I300	Walkway – Katnich to Wyndham	5625	\$2.20	\$4.40	\$4.40	\$2.20	\$ 13.20
23	T1200	Lower Sacramento Road – Vintage Oaks to north end	1,701	\$0.66	\$1.33	\$1.33	\$0.66	\$ 3.98
24	T1210	Lower Sacramento Road – Vintage Oaks to south end	1,701	\$0.66	\$1.33	\$1.33	\$0.66	\$ 3.98

MAINTENANCE OF ASSESSMENT DISTRICT LANDSCAPE AREAS BASED ON WEEKLY SERVICE				BID PRICE - INDIVIDUAL ITEM PER WEEK				
ITEM	SITE	DESCRIPTION & LOCATION	Square Feet	PRUNING AS NEEDED	WEED CONTROL	LITTER PICKUP	IRRIGATION MAINTENANCE	WEEKLY TOTAL PER SITE
25	TI109	Lower Sacramento Road – Center median east half fronting subdivision	2,394	\$0.94	\$1.87	\$1.87	\$0.94	\$ 5.62
26	TI396	Harney Lane –E/O Legacy Wy to east end	9,112	\$3.56	\$7.12	\$7.12	\$3.56	\$ 21.36
27	J2595	N/side Victor Rd. E/O Guild	16,000	\$6.25	\$12.50	\$12.50	\$6.25	\$ 37.50
				PRUNING AS NEEDED	WEED CONTROL	LITTER PICKUP	IRRIGATION MAINTENANCE	
		Weekly Totals		\$57.98	\$149.72	\$149.72	\$57.98	\$ 415.44
		ANNUALIZED COST BASED ON ONE VISIT PER WEEK (52 Weeks)						GRANDTOTAL
								\$ 21,602.88

RF=REVERSE FRONTAGE

ARTICLE V It is further expressly agreed by and between the parties hereto that, should there be any conflict between the terms of this instrument and the Bid Proposal of the Contractor, then this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

WHEN SIGNING THIS CONTRACT, THE CONTRACTOR AGREES THAT THE PERIOD FOR THIS CONTRACT IS JULY 1, 2009 THROUGH JUNE 30, 2010, AND THE CONTRACTOR AGREES TO SUBMIT MONTHLY BILLINGS NO LATER THAN THE 10<sup>TH</sup> OF EACH MONTH.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands the day and year first written.

\_\_\_\_\_  
CONTRACTOR

Dated: \_\_\_\_\_, 2009

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
TYPE OF ORGANIZATION

Individual, Partnership or Corporation

(Affix corporate seal if Corporation)

\_\_\_\_\_  
Address

\_\_\_\_\_  
CITY OF LODI  
a Municipal corporation

\_\_\_\_\_  
Telephone


\_\_\_\_\_  
Blair King  
City Manager

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Randi Johl  
City Clerk

Approved as to Form:

\_\_\_\_\_  
D. Stephen Schwabauer  
City Attorney 

\_\_\_\_\_  
Date

RESOLUTION NO. 2009-38

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING  
CONTRACT FOR MAINTENANCE OF LODI CONSOLIDATED  
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT  
NO. 2003-1 FOR FISCAL YEAR 2009-10

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WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on March 19, 2009, at 11:00 a.m. for the maintenance of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 for Fiscal Year 2009-10 described in the specifications therefore approved by the City Council on March 4, 2009; and

WHEREAS, said bids have been checked and tabulated and a report thereof filed with the City Manager as follows:

<b>Bidder</b>	<b>Bid</b>
Creative Outdoor Environments, Inc.	\$ 21,602.88
ValleyCrest Landscape Maintenance	\$ 26,446.16
Odyssey Landscape Company, Inc.	\$ 31,200.00
Valley Landscaping & Maintenance, Inc.	\$ 369,408.00

WHEREAS, staff recommends awarding the bid for maintenance of Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 for Fiscal Year 2009-10 to the low bidder, Creative Outdoor Environments, Inc., of Lathrop, California.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the contract for maintenance of the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 for Fiscal Year 2009-10 to the low bidder, Creative Outdoor Environments, Inc., of Lathrop, California, in the amount of \$21,602.88.

Dated: April 15, 2009

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I hereby certify that Resolution No. 2009-38 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 15, 2009, by the following vote:

AYES: COUNCIL MEMBERS – *Hitchcock*, Johnson, *Katzakian*, and  
Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Mounce

ABSTAIN: COUNCIL MEMBERS – None

  
RANDI JOHL  
City Clerk